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COMMITTEE ON RELATIONS WITH THE
HOST COUNTRY

LETTER DATED 16 JUNE 1995 FROM THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL, AND REPRESENTATIVE OF THE UNITED STATES ON THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY, ADDRESSED TO THE CHAIRMAN OF THE OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Enclosed please find the text of note verbale No. HC-33-95 dated 9 June 1995 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations, responding to the latter's note verbale No. 192 dated 5 April 1995, as well as summarizing meetings held at the respective missions on 27 April and 26 May 1995, at which issues relating to demonstrations and other security matters were discussed among representatives of the two missions and law-enforcement officials of the United States Government and of the City of New York.

I kindly request that the present letter and its annex be circulated as an official document of the Committee on Relations with the Host Country.

(Signed) Victor MARRERO

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ANNEX

Note verbale dated 9 June 1995 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Cuba to the United Nations and has the honour to refer to the Permanent Mission's note verbale No. 192 of 5 April 1995 (A/AC.154/279, annex II) regarding the events of 30 August 1994 involving demonstrations occurring in front of the Permanent Mission, as well as other related security issues. The United States Mission also refers to the meetings held at the respective missions on 27 April and 26 May 1995, at which these issues were discussed among representatives of the two missions and law-enforcement officials of the United States Government and of the City of New York.

At these meetings the United States Mission stressed four important principles:

(a) That the United States Government takes its host country obligations seriously;

(b) That in relation to the Permanent Mission of Cuba the United States Government has endeavoured to ensure that the Permanent Mission of Cuba is able to perform its functions;

(c) That, with respect to demonstrations, the United States Government must act in a manner consistent with the constitutional freedoms of speech and assembly, which permit peaceful and lawful protest as a means by which individuals in the United States may express their beliefs;

(d) That in keeping with the foregoing principles, the United States Government is prepared to cooperate fully with the Permanent Mission of Cuba in finding additional ways to improve safety and security measures in the vicinity of the Permanent Mission of Cuba in an effort to facilitate the Mission's ability to carry out its functions, as well as to consult on measures designed to prevent the recurrence of incidents such as those of 30 August 1994 which caused injury to several police officers and other individuals and which resulted in criminal charges for unlawful conduct.

In response to these circumstances, various proposals were formulated by the United States, in conjunction with the City of New York, with a view towards improving existing security arrangements at the Permanent Mission of Cuba and in close proximity to it. The outline below sets forth the host country's proposals:

1. Subject to a review of conditions at the time of a demonstration, the preferred location for individuals seeking to demonstrate in the vicinity of the Permanent Mission of Cuba will be the south-west corner of the intersection of East 39 Street and Lexington Avenue. The permissible area for demonstrations will be allowed to extend south along the west side of Lexington Avenue to a

point to the north of the Permanent Mission, so as to keep any demonstrators across the street from but not opposite the Mission of Cuba. In the event the number of demonstrators exceeds fifty (50) and cannot be reasonably accommodated at the said location, the demonstrators who cannot be accommodated there will be located at the north-west corner of East 39th Street and Lexington Avenue and allowed to extend north along the west side of Lexington Avenue.

2. Small groups, consisting of no more than fifteen (15) demonstrators, may also be located at the south-west corner of East 38th Street and Lexington Avenue, subject to a review of conditions at the time of a demonstration.

3. Pursuant to local New York City law, sound-device permits may be issued to groups demonstrating at locations in the vicinity of the Permanent Mission of Cuba. The applications for sound-device permits will be reviewed on a case-by-case basis, and may be limited as to frequency, duration and sound level.

4. The New York City Department of Environmental Protection will be requested to establish the ambient sound level allowed in the vicinity of the Permanent Mission. It will then be tasked to monitor demonstrations to ensure that the level of sound is not in violation of city regulations.

5. The New York City Police will establish, in addition to officers assigned to control demonstrators, the following posts (one uniformed officer at each) before, during and, for a time, after scheduled demonstrations: the garage entrance to the Permanent Mission, the front entrance to the Mission and the north corner of the Mission at the end of the line of barricades. The officer normally assigned to the fixed post at the north-east corner of East 38th Street and Lexington Avenue will remain so stationed during demonstrations.

6. The uniformed police officers will remain at their posts and in the vicinity of the Permanent Mission until it is certain that the demonstrators have in fact dispersed. Plain-clothes anti-crime officers may be assigned to patrol the vicinity of the Mission to watch for any sign of harassment, vandalism or other unlawful conduct associated with any organized demonstration.

7. The United States Mission takes this opportunity to remind the Permanent Mission of Cuba that the Permanent Mission of Cuba must be ready and willing to report any incidents of confrontation and/or harassment involving Cuban Mission staff to the New York City Police and to the United States Mission as soon as possible after the event in order for corrective action to take place.

The procedures described above are being established in an effort towards eliminating potential confrontations and conditions which the Permanent Mission of Cuba asserts interfere with the conduct of the Mission's functions. The Permanent Mission of Cuba will continue to receive 24-hour uniformed police coverage, supplemented by additional officers as outlined above. During visits of Cuban dignitaries to the United Nations, plain-clothes agents of local and/or federal law-enforcement authorities will be assigned as necessary.

The United States Mission also reiterates that the United States Government will continue to uphold the constitutional rights of individuals to free speech and assembly. It will not take any action to abridge these human rights, but when and if an individual takes actions which violate the law, the United States will - as the record shows - take appropriate law-enforcement measures.